



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,278	10/13/2000	Ellen Marie Ajello	CL/V-31174A	1195

1095 7590 03/10/2003

THOMAS HOXIE
NOVARTIS, PATENT AND TRADEMARK DEPARTMENT
ONE HEALTH PLAZA 430/2
EAST HANOVER, NJ 07936-1080

EXAMINER

VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 03/10/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,278

Applicant(s)

ATELCO et al.

Examiner

M. VAR65

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/10/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-42 is/are pending in the application.
- Of the above claim(s) 27-42 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-26 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1732

1. Claims 14-16 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, lines 3-4, the recitation "may fall" is indefinite in that it is unclear whether the lens falls. In view of what is recited at line 5 of the claim, "may fall" should be --falls--. In claim 21, "said cooling means" should more technically be --said means for cooling--. Also, at line 2 of claim 21, "cryogent" should be --cryogen--.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese

Kokai 1-152,015 in view of Hoffman et al.

Japanese -015 discloses the basic claimed method and apparatus for extracting a lens from a mold by lowering the temperature of the lens to a temperature sufficient to reduce adhesion between the lens and the mold (see 17, 3a and 3b in Fig. 6) such that the lens can be removed from the mold without damage thereto (see first line of Abstract under the heading PURPOSE) and removing and recovering the lens. Note that a cryogenic (liquid nitrogen) is applied to the lens to bring about the shrinkage of a top portion of the lens so that it may more easily separate from the mold. It is submitted inherent in the process of Kokai -015 that the cryogenic liquid "substantially

Art Unit: 1732

reduces the molecular mobility” of the polymeric lens by freezing the portion of the lens it comes into contact with. Essentially, the primary reference lacks the aspects of the lens being a contact lens, more particularly a contact lens being made of siloxane polymer and that the cryogen contacts the mold. Hoffman et al discloses applying a supercritical fluid (SCF) to a lens mold half to which is attached a contact lens of siloxane polymer to, among other things, release the contact lens from the mold. In that the attached lens and mold are both subjected to the SCF, it is submitted that this also includes the aspect of applying a release fluid to the mold itself. Clearly, Hoffman et al also teaches the molding and mold separation steps as recited in instant claim 17. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the general method and means as disclosed in Japanese -015 as taught by Hoffman et al in order to release multiple lenses at the same time. Certainly, if a Fresnel lens can be released using a cryogenic fluid, then it would have been obvious to one of ordinary skill in the art to employ such a technique in releasing contact lenses. Concerning instant claim 21, the mold halves of Hoffman et al constitute, or include, areas which would be reservoirs for receiving the releasing agent. Concerning instant claims 14 and 22, collecting the lens once it has been released from the mold is considered to be clearly obvious over the prior art and a necessity if one is to use/sell the lenses. Certainly, one would find it obvious to have aligned the lens mold with a lens collector. Tray or plate-type units for transferring contact lenses in their molds and releasing the lenses from the molds during hydration of the contact lenses are nothing but conventional in the art and one of

Art Unit: 1732

ordinary skill would have found their utilization in the apparatus (and method) of the combination as applied obvious to facilitate handling of the released lenses.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nose et al (col. 1, lines 34 and 48-51) discloses releasing an optical molding from a mold by blowing cold air over the combination of molding and mold.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

March 5, 2003

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

3/5/03